

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
SUIT NO.2692 OF 2006

Abdul L.Shaikh .. Plaintiff.
Versus
Roy Joseph Ambrose & Anr. .. Defendants.

Mr.S.M.Sabrad for plaintiff.
Mr.Nandu Pawar for defendant No.2.
Mr.Jahangir A. Khan for proposed defendant No.7.

CORAM : S.C.DHARMADHIKARI, J.
DATE : 21st September, 2007.

P.C.

1. Mr.Sabrad appears for the plaintiff, who is present in Court states on instructions that the plaintiff does not desire to prosecute this suit and, therefore, the same be dismissed for want of prosecution.

2. The request made by the plaintiff's Advocate to withdraw the suit and dismiss the same for want of prosecution, although opposed by the proposed defendant No.7, in all fairness, the counsel could not point out any prohibition in

law which could disable this Court from considering the request of Mr.Sabrad. Once the suit is not being prosecuted and is dismissed as withdrawn so also for want of prosecution, nothing prevents the proposed Defendant No.7 from instituting his own substantive proceedings and claiming such relief as is permissible in law in respect of the subject immovable property.

3. Without prejudice to all such rights and leaving open all contentions of parties in that behalf, the request of Mr.Sabrad is granted. The suit is allowed to be withdrawn and dismissed as such. No order as to costs. All interlocutory orders to stand vacated forthwith. Refund of Court fees, if any, as per rules.

(S.C.Dharmadhikari, J.)